

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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ALESHA FULLER,

Plaintiff,

Case No.:
3:15-cv-1154-TJM-DEP

vs.

SDH EDUCATION WEST, LLC

Defendant.

ALESHA FULLER,

Plaintiff,

Case No.:
3:16-cv-00315-DNH-DEP

vs.

SDH EDUCATION WEST, LLC

Defendant.

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MOTION TO CONSOLIDATE ACTIONS

Plaintiff Alesha Fuller hereby moves the Court pursuant to Rule 42(a) of the Federal Rules of Civil Procedure to consolidate the two actions for the purpose of resolving both actions through mediation scheduled for June 3, 2016 with Magistrate Judge Peebles in action 3:15-cv-1154-TJM-DEP. In support of her motion, Plaintiff states the following:

1. On September 28, 2015, Plaintiff filed a complaint with this Court under Title VII of the Civil Rights Act, as amended, captioned *Alesha Fuller v. SDH Education West, LLC* 3:15-cv-1154-TJM-DEP (“first action”), alleging that the defendant has violated the provisions of Title

VII for employment discrimination on the basis of race or color, sex (sexual harassment), wrongful termination, unequal terms and conditions of employment and retaliation;

2. On March 17, 2016, Plaintiff filed a complaint with this Court under Title VII of the Civil Rights Act, as amended, captioned *Alesha Fuller v. SDH Education West, LLC* 3:16-cv-00315-DNH-DEP (“second action”), after receiving a right to sue from the EEOC in February 2016, alleging that the defendant has violated the provisions of Title VII for employment discrimination on the basis of race or color, sex (sexual harassment), wrongful termination, unequal terms and conditions of employment and retaliation;.

3. Magistrate Judge Peebles scheduled the first action for mediation on June 3, 2016.

4. Rule 42(a) of the Federal Rules of Civil Procedure authorizes the Court the order that the actions be consolidated “[w]hen actions involving a common question of law or fact are pending before the Court” Fed. R. Civ. P.;

5. The first and second actions involve common questions of both law and fact because all of the violations alleged in the first action are similarly alleged in the second action and are integrally related because they arise out of the same circumstances, facts and occurrences relating to discrimination, retaliation and wrongful termination from Plaintiff’s employment with defendant;

6. Defendant consents to and does not oppose consolidation of the two actions;

For good cause shown, Plaintiff respectfully requests that the Court enter an order consolidating the first and second actions for the purpose of resolving those actions through mediation on June 3, 2016.

Dated: April 21, 2016
New York, New York

Respectfully Submitted,
Berlingieri Law, PLLC

By: s/Christopher J. Berlingieri
Christopher James Berlingieri
Bar Roll No. 519324
244 Fifth Avenue, Suite F276
New York, New York 10001
Tel. (347) 766-5185
cjb@nyctlaw.com

CERTIFICATE OF SERVICE

CHRISTOPHER J. BERLINGIERI, attorney for the Plaintiff, Alesha Fuller, hereby certifies that on April 21, 2016 I electronically filed the foregoing MOTION TO CONSOLIDATE ACTIONS with the clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

1. Daniel J. Moore – Counsel for the Defendant SDH Education West, LLC
Harris, Beach Law Firm - Pittsford Office
99 Garnsey Road
Pittsford, NY 14534
Email: dmoore@harrisbeach.com
2. Cristina A. Bahr – Counsel for the Defendant SDH Education West, LLC
Harris, Beach Law Firm - Pittsford Office
99 Garnsey Road
Pittsford, NY 14534
Email: cbahr@harrisbeach.com

By: s/Christopher J. Berlingieri
Christopher James Berlingieri
Bar Roll No. 519324